

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

REFILING BANKRUPTCY
PETITIONS FOR RELIEF

OPERATING ORDER 02-01

FILED
2002 FEB -4 PM 2:45
U.S. BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

Upon consideration of the filing of a petition for bankruptcy relief in this District, a debtor and debtor's attorney shall have a duty to ascertain that no previous court order makes the debtor ineligible to file or bars the filing. The signing and filing of the petition by a debtor and debtor's attorney will be deemed a certification to the Court that the debtor is eligible to file another petition and is not in violation of a previous order of dismissal with prejudice.

The following procedures should be followed regarding a refiling:

1. A debtor directly receives copies of orders entered in his/her case and therefore should be knowledgeable of and understand the terms of prior orders in his/her cases before this Court (particularly terms which prohibit a refiling), comply with these terms, and disclose them to debtor's attorneys. In the event a debtor does not receive an order, he/she may also obtain copies of orders by checking records at the court through the public access terminals or requesting a copy of the order.

2. If a debtor's attorney has not previously represented the debtor, he/she may verify information supplied by the debtor by undertaking the following steps:

Checking the court's records using PACER (Public Access to Court Electronic Records) to access previous orders to determine the time period in which the debtor is prohibited from filing another case. Attorneys who do not have internet access and/or have not registered for PACER access can check the records at the court using the public access terminals, or otherwise obtain a copy of the order.

3. If a petition for relief is filed in violation of a previous order of dismissal with prejudice,

the Court, absent extraordinary circumstances, may dismiss the case ex parte and/or annul the automatic stay provided by 11 U.S.C. §362 ex parte, with the Court retaining jurisdiction for the purpose of considering sanctions against the debtor and the debtor's attorney.

4. In the event that circumstances require relief from any order in a prior case which bars the refiling of another case, a motion in the prior case which meets the requirements of FRCP 60(b) must be filed.

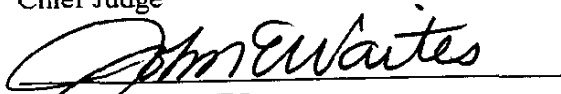
5. Debtors and debtors' attorneys who violate this Order may be subject to sanctions.

AND IT IS SO ORDERED.



WM. THURMOND BISHOP

Chief Judge



JOHN E. WAITES

United States Bankruptcy Judge

Columbia, South Carolina,

Feb 7, 2002.